IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1279 OF 2004

IN

SUIT NO.1472 OF 2001

...

P.V. Suryavanshi ...Plaintiff

v/s.

1.M/s.Ultra Drytech Engg.
Ltd. ...Defendant

...

Mr.M.D.Pokale for the Plaintiff.
Mr.R.M. Pande for the Defendant.

...

**CORAM: D.K.DESHMUKH, J.**

**DATED:** 18TH FEBRUARY,2005

**P.C.:**

1. This Notice of Motion is taken out by the Plaintiff. Heard the learned Counsel for both sides. It is true that the averments made in the affidavit filed in support of the motion disclosing the reason why the Plaintiff and his lawyer were absent are vague, but since the learned Counsel appearing for the Plaintiff expressed willingness of the Plaintiff to pay reasonable amount of costs, and also because the Defendant has not filed any affidavit controverting the averments made in the affidavit filed in support of Notice of Motion, in my opinion, following order would meet the ends of justice.

(i) Notice of Motion is granted in terms of prayer clause (a), subject to payment of costs of this motion by the Plaintiff to the Defendant. Costs is quantified at Rs.5000/-. Payment of costs is condition precedent. Motion disposed of.

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